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Attorneys for Defendant
Sharon Day

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

**CATALINA YACHTS, INC., a
California Corporation,**

Plaintiff,

V.

SHARON DAY, an individual;
GERARD DOUGLAS, an individual;
and DOES 1 through 10, inclusive,

Defendants

Case No. 2:25-CV-04090-SVW-RAO

Assigned to the Hon. Stephen V.
Wilson

**COUNTER-PLAINTIFF SHARON
DAY'S NOTICE OF MOTION AND
MOTION FOR LEAVE TO
AMEND**

Date: October 20, 2025
Time: 1:30 p.m.
Dept.: 10A

Action Filed: May 7, 2025
Trial Date: None Set

AND RELATED COUNTERCLAIMS

2 **TO ALL PARTIES AND ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE THAT on October 20, 2025 at 1:30 p.m., or as soon
4 thereafter as the matter may be heard before the Honorable Stephen V. Wilson, U.S.
5 District Judge of the Central District of California, in Courtroom 10A of First Street
6 Courthouse located at 350 W. 1st Street, 10th Floor, Los Angeles, CA 90012,
7 Defendant/Counter-Plaintiff, Sharon Day, (the “Movant” or “Ms. Day”) and hereby
8 does move the court for an order for leave to amend Pursuant to Federal Rule of Civil
9 Procedure 15(a)(2), the Plaintiff, Sharon Day (“Ms. Day”) hereby requests leave to
10 amend the Answer and Counterclaims of Defendant Sharon Day (the
11 “Counterclaims”), filed on July 28, 2025, against the Counter-Defendants, Catalina
12 Yachts, Inc. and Michael Reardon (together, the “Counter-Defendants”).

13 The undersigned counsel for Ms. Day met and conferred with the Counter-
14 Defendants about the relief requested herein on September 30, 2025 and October 6,
15 2025, and while the Counter-Defendants did not consent to the same, they did consent
16 to the dismissal of Michael Reardon, which would be effectuated by the amendment
17 proposed herein. Accordingly, this Motion is made following the conference of
18 counsel pursuant to Local Civil Rule 7-3.

19 This Motion is more fully supported by the following Memorandum of Points
20 and Authorities and the relevant record in this proceeding, the declaration of Steven
21 M. Berman the pleadings and papers currently on file, and any other matter that may
22 be presented at the hearing.

2
3 Dated: October 13, 2025
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5 SHUMAKER, LOOP & KENDRICK,
6 LLP
7 Steven M. Berman
8 By: /s/ Steven M. Berman
9 Steven M. Berman
10 Attorney for Counter-Plaintiff
11 SHARON DAY
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3 **MEMORANDUM OF POINTS AND AUTHORITIES**

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5 **I. FACTUAL BACKGROUND**

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7 On July 28, 2025, Ms. Day filed her Counterclaims against the Counter-
8 Defendants. *See Doc. 46.* On August 29, 2025, Catalina Yachts, Inc., Russell Lane
9 Berney, and Jean C. Butler filed their Motion to Dismiss Gerard Douglas'
10 Counterclaim and Count Four of Sharon Day's Counterclaim (Doc. 65), which was
11 later amended, on September 25, 2025, to correct the date and time of the hearing on
12 their motion (Doc. 69). The undersigned counsel for Ms. Day met and conferred
13 with the Counter-Defendants about the relief requested herein and while the Counter-
14 Defendants did not consent to the same, they did consent to the dismissal of Michael
15 Reardon, which would be effectuated by the amendment proposed herein.

16 **II. LEGAL ARGUMENT**

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18 **A. Standard for Amending a Complaint**

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20 Pursuant to Federal Rule of Civil Procedure 15(a)(2), amending a complaint
21 more than 21 days after service requires either the opposing party's written consent
22 or leave of court. "The court should freely give leave when justice so requires." *Id.*
23 The Ninth Circuit has long recognized that this policy is applied with "extreme
liberality." *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003)
(internal citations omitted). In evaluating a motion for leave to amend, courts
consider such factors as "undue delay, bad faith or dilatory motive [], repeated failure

2 to cure deficiencies by amendments previously allowed, undue prejudice to the
3 opposing party [], [and] futility of amendment.” *Foman v. Davis*, 371 U.S. 178, 182
4 (1962). Here, none of the *Foman* factors weigh against amendment. The Counter-
5 Defendants have not answered the Counterclaims, the pleadings are not yet at issue
6 and this case remains at an early stage. The Proposed Amendment simplifies the
7 pleadings by dropping a party. Granting leave to amend will therefore conserve
8 judicial resources and not prejudice any party. Accordingly, leave to amend should
9 be granted.

10 **III. CONCLUSION**

11 For the reasons set forth herein, Ms. Day respectfully requests that she be
12 granted leave to file the Proposed Amendment.

13 Dated: October 13, 2025

14 SHUMAKER, LOOP & KENDRICK,
15 LLP

16 Steven M. Berman

17 By: /s/ Steven M. Berman

18 Steven M. Berman

19 Attorney for Counter-Plaintiff
20 SHARON DAY

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3 **CERTIFICATE OF SERVICE**

4 I HEREBY CERTIFY that, on October 13, 2025, a true and correct copy of
5 the foregoing was served by CM/ECF service on all counsel of record. I further
6 certify that a true and correct copy of the foregoing was served, on October 13, 2025,
7 via email on Michael C. Lieb, mliel@ecjlaw.com, and Zoe M. Vallier,
8 zvallier@ecjlaw.co, Counsel for Catalina Yachts, Inc.; Daniel A. Kaplan,
9 dkaplan@danielkaplanlaw.com, and Aaron D. Sadock, asadock@panakoslaw.com,
10 Counsel for Gerard Douglas.

11 October 13, 2025

12

/s/ Steven M. Berman
13 Steven M. Berman